

**Bankruptcy Court  
Western District of Pennsylvania**

**Amendments to the Local Rules, Forms and Court Procedures  
Effective Date: May 3, 2005**

**Local Form No. 1A**

Local Form No. 1A has been added. The form is entitled: DECLARATION RE: ELECTRONIC FILING OF PETITION, SCHEDULES & STATEMENTS FOR INDIVIDUAL DEBTOR NOT REPRESENTED BY COUNSEL.

**Local Form No. 7**

Local Form No. 7 has been substantially revised.

**Local Form No. 18**

Local Form No. 18 has been modified. The following text has been added to Local Form No. 18:

Applicant shall be associated in this case with the following attorney who is a member of the Bar of the Bankruptcy Court in the Western District of Pennsylvania:

Applicant and associated local counsel have read and shall comply with Local Rule 9010-1.B.

**Local Form No. 26**

Local Form No. 26 has been modified. The words "Settlement and" have been added to the caption of the form. The form caption is "Settlement and Certification of Counsel."

**Rule 1002-2 SEQUENCE OF FILINGS**

Local Rule 1002-2 has been modified to reflect the addition of Local Form No. 1 A to the local forms:

A. All filings shall be made electronically. An executed DECLARATION RE: ELECTRONIC FILING, Local Form No. 1, must be filed in paper copy within 15 days of the electronic filing of the petition. The original signed petition and related documents must be kept by the debtor's attorney for the six year retention period specified in the Court's Electronic Case Filing Procedures. Debtors not

represented by an attorney must file an executed DECLARATION RE:  
ELECTRONIC FILING OF PETITION, SCHEDULES & STATEMENTS FOR  
INDIVIDUAL DEBTOR NOT REPRESENTED BY COUNSEL, Local Form  
No. 1 A, within 15 days of the filing of the petition.

(The underlined portion is the new text.)

### **GCP #9 - Dismissal for Failure to Submit Local Form No. 1**

General Court Procedure #9 has been modified to reflect the addition of Local Form No. 1 A to the local forms:

A bankruptcy case shall be dismissed pursuant to Local Rule 1017-2, Dismissal of Bankruptcy Case for Deficient Filing, if Local Form No. 1, the Declaration of Electronic Filing, or Local Form No. 1A, Declaration Re: Electronic Filing of Petition, Schedules, & Statements for Individual Debtor Not Represented by Counsel, is not submitted within 15 days of the date the petition is filed. At any time before the date set for entry of an order of dismissal, the debtor (1) may file a motion requesting a hearing at which debtor shall show cause why the case should not be dismissed for failure to file Local Form No. 1 or Local Form No. 1 A or (2) may file a motion and proposed order seeking an extension of time.

(The underlined portion is the new text.)

### **Rule 1009-1 AMENDMENTS BY DEBTOR**

The title of Rule 1009-1 and paragraph B. have been modified to reflect that the rule pertains to debtors. The additional language is underlined:

#### **Rule 1009-1 AMENDMENTS BY DEBTOR**

B. The trustee or any creditor may file objections to an amendment by the debtor of the schedules or statement of financial affairs within thirty (30) days after the conclusion of the meeting of creditors or the filing of that amendment, whichever is later, unless further time is granted by the Court.

### **Rule 5005-3 DOCUMENTS FILED UNDER SEAL**

Rule 5005-3 has been modified. The added text is underlined:

A. A motion to file a document under seal shall be electronically filed unless it contains confidential, scandalous or defamatory matter . A motion to file a document under seal and related

documents that contain confidential, scandalous or defamatory matter shall be filed on paper in the same manner prescribed for a document filed under seal in paragraph B. of this rule. The clerk shall docket any such motion filed on paper as a document under seal without disclosing the identity of the filing party.

B. If a motion to file a document under seal is filed or court approval has been given to file a document under seal, the document to be sealed shall not be electronically filed but shall be filed in hard copy in a secured envelope. Affixed to the outside of the envelope shall be a statement containing a case caption, a case number, a general statement that identifies the document for purposes of tracking, and a notation that the document is being filed under seal. The nature of the document must be described with sufficient particularity so that the Court is able to identify the contents of the envelope without disclosing the specifics of the enclosed matter. The outside of the envelope shall also include the name and address of the attorney who will be notified when the Court determines that the document should no longer be part of the case file. This attorney shall maintain a current address on the Court's Case Management/Electronic Case Filing system.

C. The attorney receiving the notification specified in paragraph B. shall have 30 days after the date of the notice to retrieve the sealed document from the Clerk. The Clerk shall destroy the sealed document if the attorney does not retrieve the document within the 30 day period or if the attorney cannot be contacted.

### **Rule 9013-5 SCHEDULING HEARINGS**

Local Rule 9013-5 C. has been modified so that the Certificate of No Objection must be filed no later than two days after the objection deadline has expired:

If the moving party does not receive a response, then the moving party shall file with the Clerk a Certificate of No Objection substantially in compliance with Local Form No. 25. The certificate must be filed no later than ~~five~~ two days after the objection deadline has expired. If the Court grants the relief by default, the hearing is canceled.

Local Rule 9013-5 has been modified to reflect the modification to the title of Local Form No. 26:

D. If a disputed matter has been settled prior to the hearing, counsel for movant must file a Settlement and Certification Certificate of Counsel substantially in compliance with Local Form No. 26. A proposed consent order must be filed as an attachment to the Certificate of Counsel.

(The underlined portion is the new text. Deletions are lined through.)

#### **ECF Procedure #8 - Signatures and GCP #8 - Documents Filed on Disk or Paper**

The identical paragraphs in Electronic Case Filing Procedure #8 and General Court Procedure #9 have been modified. The added language for these paragraphs is underlined:

When a settlement agreement or similar document that requires signatures from more than one party is filed electronically, the filing party must check the Judge's procedures on the Court's Website in order to determine if the Judge assigned to the case has specific instructions for filing a document of this nature. If the Judge assigned to the case does not have specific instructions, then the document bearing all the necessary signatures: (1) may be scanned; (2) may be filed in a PDF format provided that the filing user certifies that all parties whose signatures are required have consented to the document and endorsed the filing; or (3) in any other manner approved by the Court. Local Form No. 26, Settlement and Certification of Counsel, must be filed with the document attached.

(The underlined portion is the new text.)

#### **Chapter 13 Court Procedure #9, Notice of Monthly Payment Changes**

Additional language has been added to Chapter 13 Court Procedure #9. The added language is in bold type:

All notices of post petition monthly payment changes must be served on the debtor, debtor's counsel and the Trustee. This applies not only to the mortgage changes but to any monthly payment currently being paid by the Trustee. The Trustee will not implement and the Court will not enforce a default order increasing the periodic plan payment without the affirmative consent of the Trustee. Default orders shall set a 15 day deadline that requires the debtor to propose an amended plan containing the payment change or to certify that the existing plan payment is sufficient. **Any amended plan containing the changed payment shall include the following statement: "The new postpetition monthly payment payable to \_\_\_\_\_ is effective \_\_\_\_\_, per the escrow notice dated \_\_\_\_\_."**

The debtor's counsel (or debtor if pro se) will be responsible for proposing an

amended plan including the increased monthly payment if the monthly payment change results in the under-funding of the plan. In the event that the monthly payment change does not result in the under-funding of the plan, debtor's counsel (or debtor if pro se) must file a declaration that he has reviewed the existing plan, recomputed the plan payment, and finds that the existing payment is sufficient to fund the plan even with the new debt added. **The declaration filed to indicate that the plan remains adequately funded to pay the new postpetition monthly payment shall include the following statement: "The new postpetition monthly payment payable to \_\_\_\_\_ is \$\_\_\_\_\_, effective \_\_\_\_\_, per the escrow notice dated \_\_\_\_\_."**

A provision in the Chapter 13 procedures manual regarding amounts of money that the trustee can keep for costs and expenses in the event that the case is dismissed or converted before plan confirmation has been deleted in Chapter Procedures 1.A.C. and 4.8. The procedures have been amended to state:

### **Chapter 13 Procedure #1 - Duty to Make Payments and File Reports**

#### **A. Payments**

3. The Chapter 13 Trustee shall commence payments to creditors before confirmation when ordered by the Court. ~~In the event a plan is not confirmed, the Chapter 13 Trustee shall retain an administrative fee of twenty-five dollars (\$25.00) or the U.S. Trustee's prevailing percentage fee, whichever is greater, for payment to the Chapter 13 Fee and Expense Fund, in payment for the costs incurred in administering the case. This amount may be adjusted by the Court in unusual cases.~~

(Deletions are lined through.)

### **Procedure #4 - Distribution Under Plans and Objections to Claims**

8. In the event that a plan is not confirmed, then the trustee shall refund all payments to the debtor if the case is dismissed, or to the Chapter 7 trustee if the case is converted. ~~; provided that the Chapter 13 trustee may retain an administrative fee for twenty-five dollars (\$25.00) or the United States Trustee's prevailing percentage fee, whichever is greater, for payment to the chapter 13 fee and expense fund, in payment of the costs incurred in administering the case. This amount may be adjusted by the Court from time to time or in unusual cases.~~

(Deletions are lined through.)